

DAVID L. SMART, ESQ. (SBN 262533)
dsmart@thesmartlawoffices.com
NICOLE CHERONES, ESQ. (SBN 249281)
ncherones@thesmartlawoffices.com
SMART LAW OFFICES
8880 Cal Center Drive, Suite 400
Sacramento, CA 95826
Tel.: (916) 361-6020
Fax: (916) 361-6021

Attorneys for Plaintiffs
LEONARD G. CISNEROS and
GRETEL R. CISNEROS

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA -SAN FRANCISCO DIVISION

LEONARD G. CISNEROS; GRETEL R. CISNEROS,)	Case No.: 3:16-CV-00084-JCS
)	
Plaintiffs,)	STIPULATION OF DISMISSAL WITH
)	PREJUDICE PURSUANT TO FEDERAL
vs.)	RULE OF CIVIL PROCEDURE
)	41(a)(1)(A)(ii)
)	
WELLS FARGO BANK, N.A.; DOES 1-10,)	
)	
Defendants.)	
)	
)	
)	
)	
)	

Plaintiffs LEONARD G. CISNEROS and GRETEL R. CISNEROS ("Plaintiffs Cisneros") and defendant WELLS FARGO BANK, N.A. ("Wells Fargo") (collectively, the "Parties"), by and through their respective counsel of record hereby stipulate and agree as follows:

WHEREAS, Plaintiff filed a Second Amended Complaint in the above captioned matter against Defendants in this court alleging, among other causes of action, breach of contract and dual tracking (the "Action");

1 WHEREAS, every Party that has appeared in the Action is signatory to this agreement;

2 WHEREAS, Plaintiff has agreed to dismiss Defendant with prejudice from this action; and

3 WHEREAS, Defendant has agreed to waive costs;

4 IT IS HEREBY STIPULATED that Plaintiffs Cisneros' above-captioned action, including
5 any and all claims for relief and causes of action contained therein, be dismissed in its entirety
6 with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Under Rule
7 41(a)(1)(A)(ii), an action may be dismissed by the plaintiff without a court order by filing "a
8 stipulation of dismissal signed by all parties who have appeared." This stipulation is signed by
9 counsel for Plaintiffs and counsel for Defendant, who/which are the only parties to have
10 appeared this action.

11
12 DATED: July 20, 2016

SMART LAW OFFICES

13
14 /s/ David L. Smart

15 David L. Smart*

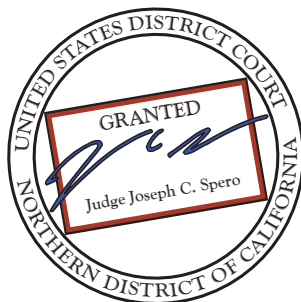
16 Attorney for Plaintiffs

LEONARD G. & GRETHER R. CISNEROS

17
18 DATED: July 20, 2016

ANGLIN FLEWELLING RASMUSSEN
CAMPBELL & TRYTTEN LLP

19
20 Dated: 7/21/16



21 /s/ Robert A. Bailey

22 Robert A. Bailey

23 Attorney for Defendant

WELLS FARGO BANK, N.A.

24
25 *Pursuant to Civil L.R. 5-1(i)(3), I, David L. Smart, certify that I am the ECF user
26 whose identification and password are being used to file this Joint Stipulation. I hereby attest
27 that Robert A. Bailey has concurred in this filing. /s/ David L. Smart
28

PROOF OF SERVICE

I am employed in the City and County of Sacramento, State of California. I am over the age of 18 and not a party to the within action. My business address is 8880 Cal Center Drive, Suite 400, Sacramento, CA 95826.

On July 20, 2016, I served the following documents on the persons below as follows:

STIPULATION OF DISMISSAL WITH PREJUDICE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii)

Counsel for Defendants Wells Fargo Bank, N.A.:

Robert A. Bailey, Esq.
AFRCT LLP
199 South Los Robles Avenue, Suite 600
Pasadena, CA 91101
Tel: (626) 535-1900
Fax: (626) 577-7764
rbailey@afrcr.com

- ☐ (MAIL) I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Sacramento, California.
- ☐ (OVERNIGHT DELIVERY) I deposited in a box or other facility regularly maintained by Federal Express, an express service carrier, or delivered to a courier or driver authorized by said express service carrier to receive documents, a true copy of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed as stated above, with fees for overnight delivery paid or provided for.
- ☐ (MESSENGER SERVICE) I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed and provided them to a professional messenger service for service. A separate Personal Proof of Service provided by the professional messenger service will be filed under separate cover.
- ☐ (FACSIMILE) Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

☐ (E-MAIL or ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☒ (CM/ECF Electronic Filing) I caused the above document(s) to be transmitted to the office(s) of the addressee(s) listed above by electronic mail at the e-mail address(es) set forth above pursuant to Fed.R.Civ.P.5(d)(1). "A Notice of Electronic Filing (NEF) is generated automatically by the ECF system upon completion of an electronic filing. The NEF, when e-mailed to the e-mail address of record in the case, shall constitute the proof of service as required by Fed.R.Civ.P.5(d)(1). A copy of the NEF shall be attached to any document served in the traditional manner upon any party appearing pro se."

I declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose direction this service was made and that the foregoing is true and correct.

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ (Federal) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on **July 20, 2016**, at Sacramento, California.

Ramean S. Behnam
(Type or print name)

/s/ Ramean S. Behnam
(Signature)